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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/009,809

04/26/2002

Ronit Eisenberg

026549-000100US

1519

20350 7590 07/13/2009  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

DAHLE, CHUN WU

ART UNIT

PAPER NUMBER

1644

MAIL DATE

DELIVERY MODE

07/13/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10009809	4/26/2002	EISENBERG ET AL.	026549-000100US

TOWNSEND AND TOWNSEND AND CREW, LLP  
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**EXAMINER**

CHUN DAHLE

ART UNIT	PAPER
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20090709

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**Commissioner for Patents**

The Examiner's Answer, mailed on March 30, 2009, has been vacated.

The Appeal Brief is defective and has been returned from BPAI for following reasons:

In response to the Non-Final Rejection mailed January 5, 2009, Appellant filed a Request for Reconsideration and Amendment on February 11, 2009. In this Request for Reconsideration, Appellant requested that the Examiner either allow the claims for present an Examiner's Answer (see pg. 3, lns 16-17). If it was Appellant's intent to request reinstatement of the appeal, this was an improper request.

Appellant should file a new Notice of Appeal or alternatively a Request to Reinstate the Appeal the previous appeal and file a new Appeal Brief for the Examiner's consideration.

Therefore, the Appeal is not docketed and has been returned to the Examiner.

Appellant is advised to submit a Reinstatement of Appeal and/or New Notice of Appeal and new Appeal Brief to respond to new grounds of rejection set forth in the Office Action mailed on March 30, 2009.

See Document attached to this Office Action for detailed explanation.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Dahle whose telephone number is 571-272-8142. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ram Shukla can be reached 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chun Dahle  
Patent Examiner

/Maher M. Haddad/  
Primary Examiner, Art Unit 1644